

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

Jointly Administered

**[PROPOSED] ORDER AUTHORIZING PARTICIPATION OF ADVERSARY
PROCEEDING DEFENDANTS IN DETERMINATION OF
CONSTITUTIONAL VALIDITY OF CHALLENGED BONDS**

Upon consideration of the *Joint Motion Of Certain Adversary Defendants Seeking Entry Of An Order Authorizing Participation In Determination Of Constitutional Validity Of Challenged Bonds* (Dkt. No. ____) (the “Motion to Participate”) and all related filings,² the Court hereby **FINDS AND DETERMINES** that:

(i) the Court has jurisdiction to consider the Motion to Participate and the relief requested therein pursuant to sections 306(a) and 310 of PROMESA;

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² Capitalized terms not defined in this Order shall have the meanings ascribed to them in the Motion to Participate.

(ii) venue is proper before this Court pursuant to section 307(a) of PROMESA;

(iii) the question of whether the challenged GO Bonds were (or were not) issued in violation of the Commonwealth's constitutional debt service limit and/or balanced budget clause is a common issue raised in the GO Bonds Objection and the Adversary Proceeding Complaint (Adv. Proc. No. 19-0280-LTS);

(iv) the Adversary Defendants are interested entities, whose interests may be directly affected by the Court's determination of that common issue, and accordingly, have a right to be heard in connection with the Court's determination of that common issue; and

(v) the Court's coordinated determination of that common issue would be just and appropriate and advance the interests of judicial efficiency.

Accordingly, it is hereby **ORDERED** that:

1. The Motion to Participate is GRANTED.
2. For good cause shown, the Adversary Defendants are hereby authorized to be involved in those proceedings relating to, and be heard by the Court on, any determination of whether the challenged GO Bonds were (or were not) issued in violation of the Commonwealth's constitutional debt service limit and/or balanced budget clause.
3. All other litigation with respect to the Adversary Proceeding Complaint, including this Court's determinations with respect to the claims, causes of action, and allegations set forth therein, shall be conducted solely in the Adversary Proceeding between and among the Plaintiffs and the Adversary Defendants.
4. The terms of and conditions of this order shall be immediately effective and enforceable upon its entry.

5. The Court shall retain jurisdiction to resolve any dispute arising from or related to this Order.

Dated: _____, 2019

Honorable Laura Taylor Swain
United States District Judge